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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/155,590	09/30/1998	JEFFREY SCHLOM	2026-4230US1	8846

44991 7590 06/04/2007  
OFFICE OF TECHNOLOGY TRANSFER  
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EXAMINER	
CANELLA, KAREN A	

ART UNIT	PAPER NUMBER
1643	

MAIL DATE	DELIVERY MODE
06/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/155,590	<b>Applicant(s)</b> SCHLOM ET AL.	
	<b>Examiner</b> Karen A. Canella	<b>Art Unit</b> 1643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 11-15, 25, 27, 32-34, 66-68 and 70-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 11, 15, 25, 27, 32-34, 66-68 and 70-72 is/are allowed.
- 6) ☐ Claim(s) 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

Claims 1-10 have been canceled. claims 11-15, 25, 27, 32-34, 66 and 67 have been amended. Claims 11-15, 25, 27, 32-34, 66-68 and 70-72 are pending and under consideration.

It is re-stated that the effective filing date for the instant claims is April 17, 1997 for the reasons set forth in the prior Office action.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaudernack et al (WO 92/14756, cited in a previous action)

Claim 12 is drawn to a mutant ras peptide comprising an amino acid sequence of 10 amino acids, from the sequence consisting of Xaa1 Leu Xaa2 Val Val Gly Ala Xaa3 Gly Val Gly Lys Ser (SEQ ID NO:15), wherein Xaa1 is Lys or Tyr, wherein Xaa2 is any amino acid, wherein Xaa3 is Asp, Val, Cys, Aln, Arg or Ser, and wherein when Xaa2=Val, then Xaa1=Tyr and wherein said peptide elicits a peptide-specific human CD8 CTL immune response. Claim 13 is drawn to a mutant ras peptide comprising an amino acid sequence of 8 to 10 amino acids, from the sequence consisting of Xaa1 Leu Xaa2 Val Val Gly Ala Xaa3 Gly Val Gly Lys Ser (SEQ ID NO:15), wherein Xaa1 is Lys or Tyr, wherein Xaa2 is any amino acid, wherein Xaa3 is Asp, Val, Cys, Aln, Arg or Ser, and wherein when Xaa2=Val, then Xaa1=Tyr and wherein said peptide elicits a peptide-specific human CD8 CTL immune response. Claim 14 is drawn to a mutant mutant ras peptide comprising an amino acid sequence of 8-13 amino acids, from the sequence consisting of Xaa1 Leu Xaa2 Val Val Gly Ala Xaa3 Gly Val Gly Lys Ser (SEQ ID NO:15), wherein Xaa1 is Tyr, wherein Xaa2 is Val, wherein Xaa3 is Asp, Val, Cys, Aln, Arg or Ser, and wherein said peptide elicits a peptide-specific human CD8 CTL immune response.

Gaudernack et al disclose ras peptides on page 31, lines 6-9, 11 and 12 of the last paragraph, and page 32, lines 5-16, which meet the specific embodiments of the instant claims. It is noted that because the claims specify a "fragment" the amino acid of Xaa1 need not be present. The peptides taught by Gaudernack et al would inherently have the property of eliciting peptide specific human CD+8 CTL lymphocyte response because it is within the scope of the claims.

Claims 13 and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by Juretic et al (Int J of Cancer, November 15, 1996, Vol. 68, pp. 471-478, cited in a previous action).

Juretic et al disclose the peptide VGAVGVGKS which meets the limitations of claims 13 and 14 requiring a nine-mer from the motif set forth in the claims. It is noted that because the claims specify a "fragment" the amino acid of Xaa1 need not be present. The peptide of Juretic et al would inherently have the property of eliciting peptide specific human CD+8 CTL lymphocyte response because it is within the scope of the claims.

Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gedde-Dahl et al (European Journal of Immunology, 1993, 23(3):754-760, cited in a previous action).

Gedde-Dahl et al disclose the peptide GAAGVGKSALAL (page 756, Figure 2) which meets the structural limitations of claims 13 and 14 because in claims specifying a "fragment" the amino acid of Xaa1 need not be present. The peptide of Gedde-Dahl et al also fulfills the specific limitation of eliciting a mutant ras-peptide specific human CD+8 CTL immune response because human PBMC were used as APC.

Claims 11, 15, 25, 27, 32-34, 66-68, 70-72 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen A. Canella whose telephone number is (571)272-0828. The examiner can normally be reached on 10-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on (571)272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karen A. Canella, Ph.D./

5/29/2007